Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 11/27/98	Bureau/Station/Facility: F.O.R. I/ ELA STATION	Admin. Invest.? ☐	Hit? ☐

Incident Information

URN: 698-15771-0278-038	Date: 11/27/98 Time: 2040
City or Station: ELA	Nature of Incident: DEPUTY INVOLVED SHOOTING - NON-HIT
Location: [redacted] WOODS AVENUE	

Location Type (*circle one or more*):
Backyard
Beach
Business
Freeway
Industrial
Park
Parking Lot
Residence
Rural
School
Street (circled)
Other: ______

Lighting (*circle only one*):
Darkness
Daylight
Other
Street Lights (circled)

Weather (*circle only one*):
Clear
Cloudy (circled)
Fog
Rain

Distance: 15-20'

Incident Type (*circle one or more*):
Accidental
Armed Person (circled)
Fleeing Suspect (circled)
Foot Pursuit
Gun Take Away
Moving Vehicle
Sniper/Ambush
Startle
Struggle Involved
Traffic Stop
Unarmed Person
Unintentional
Vehicle Pursuit (circled)
Warrant Service
Other: ______

Initiated by (*circle only one*):
Arrest Warrant
Call
Observation
One Person Unit
Other
Search Warrant
Two Person Unit (circled)

Prior Activity (*circle only one*):
Detective
Inmate Transport
Other
Routine Patrol (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
2	0	☒	☒

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	BIRTNESS	DREW		EM **PM** (circled) Day	**Regular** (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.		
NONE				
Street Address / City	**Zip Code**	**Work Ph**	**Home Ph**	
Last Name	**First Name**	**M.I.**		
Street Address / City	**Zip Code**	**Work Ph**	**Home Ph**	
Last Name	**First Name**	**M.I.**		
Street Address / City	**Zip Code**	**Work Ph**	**Home Ph**	

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	BOYETT	CRAIG		**On Duty** (circled); Present during shooting; Witness to shooting; Involved in shooting
				On Duty; Present during shooting; Witness to shooting; Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	MCCANN	JOHN	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	ARTEAGA	JOSPEH	

PSTD Use Only

SH # SH 1236005

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 698-15771-0278-038

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
11/27/98	2300	12/23/98	

Employee #	Last Name	First	M.I
[redacted]	GLOVER	WILLA	
[redacted]	MAULDIN	DONNIE	
[redacted]	NELSON	RUTH	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E 1&2	S 4	FH	BR	9	Y	Y	NN	

SH-R-438A rev. 3/97

See Front Side



Officer Involved Shooting
Involved Employee Information

URN: 698-15771-0278-038

Involved Employee

E 1

- Employee #: [redacted]
- Last Name: CASTRO
- First Name: MARIO
- M.I.:
- Sex: M
- Race: H
- Rank: DEP
- Unit Assignment: ELA
- Work Assignment (Unit #, Module, etc.): 21
- ShiftTime (*circle only one*): EM **(PM)** Day
- ShiftType (*circle only one*): **(Regular)** Overtime Off Duty
- Intoxication/Drug Usage? ☐
- Substance Used: N/A
- Hospital Admission? ☐
- Hospital Name: N/A
- Coroner Case? ☐
- Coroner Case #: N/A
- Interviewed? ☒
- Hrs of sleep prior to shooting: 6-8
- Duty Time (hrs): [redacted]
- Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / **(Uniform w/ Vest)**
- Other Factors:
- Age: 34
- Height: 510
- Weight: 210
- Range Qualification Date: [redacted]
- PPC Qualification Date: [redacted]
- Laser Training Date: [redacted]
- Certified with Weapon Used? [redacted]
- Patrol Certification? [redacted]
- Certification Unit: [redacted]
- Prior Shootings? [redacted]
- Number of Prior Shootings: [redacted]
- Field Training Officer Emp #: [redacted] Last Name: [redacted] First Name: [redacted] M.I.:
- Field Training Officer Emp #: Last Name: First Name: M.I.:

E 2

- Employee #: [redacted]
- Last Name: GARZA
- First Name: MANUEL
- M.I.:
- Sex: M
- Race: H
- Rank: DEP
- Unit Assignment: ELA
- Work Assignment (Unit #, Module, etc.): 21
- ShiftTime (*circle only one*): EM **(PM)** Day
- ShiftType (*circle only one*): **(Regular)** Overtime Off Duty
- Intoxication/Drug Usage? ☐
- Substance Used: N/A
- Hospital Admission? ☐
- Hospital Name: N/A
- Coroner Case? ☐
- Coroner Case #: N/A
- Interviewed? ☒
- Hrs of sleep prior to shooting: 9
- Duty Time (hrs): [redacted]
- Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / **(Uniform no Vest)** / Raid Jacket no Vest / Uniform w/ Vest
- Other Factors:
- Age: 37
- Height: 507
- Weight: 165
- Range Qualification Date: [redacted]
- PPC Qualification Date: [redacted]
- Laser Training Date: [redacted]
- Certified with Weapon Used? [redacted]
- Patrol Certification? [redacted]
- Certification Unit: [redacted]
- Prior Shootings? [redacted]
- Number of Prior Shootings: [redacted]
- Field Training Officer Emp #: Last Name: [redacted] First Name: [redacted] M.I.:
- Field Training Officer Emp #: Last Name: First Name: M.I.:

E__

- Employee #: Last Name: First Name: M.I.:
- Sex: Race: Rank: Unit Assignment: Work Assignment (Unit #, Module, etc.):
- ShiftTime (*circle only one*): EM PM Day
- ShiftType (*circle only one*): Regular Overtime Off Duty
- Intoxication/Drug Usage? ☐
- Substance Used:
- Hospital Admission? ☐
- Hospital Name:
- Coroner Case? ☐
- Coroner Case #:
- Interviewed? ☐
- Hrs of sleep prior to shooting:
- Duty Time (hrs):
- Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest
- Other Factors:
- Age: Height: Weight:
- Range Qualification Date:
- PPC Qualification Date:
- Laser Training Date:
- Certified with Weapon Used? ☐
- Patrol Certification? ☐
- Certification Unit:
- Prior Shootings? ☐
- Number of Prior Shootings:
- Field Training Officer Emp #: Last Name: First Name: M.I.:
- Field Training Officer Emp #: Last Name: First Name: M.I.:

See Other Side

Officer Involved Shooting Suspect Information

URN: 698-15771-0278-038

Suspect Information

S 1

Last Name: [redacted]		First Name: [redacted]	M.I.:
AKA Last Name: [redacted]		First Name: [redacted]	M.I.:
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted] [redacted]
Work Phone: N/A	Home Phone: [redacted]	Social Security #: NONE	Driver's License #: NONE
Age: 16 D.O.B. [redacted]	Height: 602 Weight: 150	FBI #: [redacted]	CII #: [redacted]
Booking #: [redacted]	Primary Charge: 215 PC		Secondary Charge: 2800.2 CVC
Coroner Case? [ ]	Coroner Case #: N/A	Intoxication/Drug Usage? [ ]	Substance Used: N/A
Armed? [X]	Apprehended? [X]	Mental Illness? [ ]	Criminal History? [X]
Vehicle Make:		Model:	Year:

S 2

Last Name: [redacted]		First Name: [redacted]	M.I.:
AKA Last Name: [redacted]		First Name:	M.I.:
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted] [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: NONE
Age: 14 D.O.B. [redacted]	Height: 506 Weight: 115	FBI #: [redacted]	CII #: [redacted]
Booking #: [redacted]	Primary Charge: 215 PC		Secondary Charge: 10851 CVC
Coroner Case? [ ]	Coroner Case #: N/A	Intoxication/Drug Usage? [ ]	Substance Used: N/A
Armed? [ ]	Apprehended? [X]	Mental Illness? [ ]	Criminal History? [X]
Vehicle Make:		Model:	Year:

S 3

Last Name: [redacted]		First Name: [redacted]	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted] [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #:	Driver's License #: NONE
Age: 17 D.O.B. [redacted]	Height: 508 Weight: 150	FBI #: [redacted]	CII #: [redacted]
Booking #: [redacted]	Primary Charge: 215 PC		Secondary Charge: (849B1)
Coroner Case? [ ]	Coroner Case #: N/A	Intoxication/Drug Usage? [ ]	Substance Used: N/A
Armed? [ ]	Apprehended? [X]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make:		Model:	Year:

S 4

Last Name: LERMA		First Name: JOSE	M.I.: R
AKA Last Name: BLACKIE		First Name:	M.I.:
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted] [redacted]
Work Phone: NONE	Home Phone: [redacted]	Social Security #:	Driver's License #: [redacted]
Age: 18 D.O.B. 06-25-80	Height: 511 Weight: 160	FBI #:	CII #:
Booking #: 5876307	Primary Charge: 215 PC		Secondary Charge: 245(D)(2) PC
Coroner Case? [ ]	Coroner Case #: N/A	Intoxication/Drug Usage? [ ]	Substance Used: N/A
Armed? [X]	Apprehended? [X]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make:		Model:	Year:

See Other Side



Officer Involved Shooting Suspect Information

URN: 698-15771-0278-038

Suspect Information

S 5

Last Name [redacted]		First Name [redacted]	M.I.
AKA Last Name [redacted]		First Name	M.I.
Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #:	Driver's License #:
Age: 15 D.O.B. [redacted]	Height: 507 Weight: 180	FBI #	CII #
Booking # [redacted]	Primary Charge: 215 PC	Secondary Charge: 10851 (A) CVC	
Coroner Case? ☐	Coroner Case # N/A	Intoxication/Drug Usage? ☐	Substance Used: N/A
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S 6

Last Name [redacted]		First Name [redacted]	M.I.
AKA Last Name [redacted]		First Name	M.I.
Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: UNK	Social Security #:	Driver's License #: [redacted]
Age: 17 D.O.B. [redacted]	Height: 501 Weight: 120	FBI # [redacted]	CII # [redacted]
Booking # [redacted]	Primary Charge: 215 PC	Secondary Charge: 10851(A) CVC	
Coroner Case? ☐	Coroner Case # N/A	Intoxication/Drug Usage? ☐	Substance Used: N/A
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? ☒
Vehicle Make		Model:	Year:

S___

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S___

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

INVESTIGATIVE SUMMARY

On November 27,1998, Lieutenant Willa Glover, Sergeant Donnie Mauldin, and Sergeant Ruth Nelson, of the Internal Affairs Bureau, responded to the East Los Angeles Station area regarding a deputy involved shooting.

The summary of that incident is based on interviews with the personnel involved, witnesses, suspects, and reports under file #698-15771-0278-038.

SYNOPSIS OF THE INCIDENT

Shortly after a broadcast description of a carjacked vehicle, Deputies Castro and Garza, ELA PM Unit 21, located the car. It was occupied by six male Hispanics. A short pursuit ensued, during which a gun was thrown from the vehicle. At the terminus of the pursuit, five of the six occupants quickly exited the vehicle, one of whom appeared to be armed with a handgun. He raised the gun in the direction of the officers, who were exiting their patrol car which had stopped approximately 15 feet to the rear of the suspect vehicle. Deputy Garza alerted his partner to the danger, and fearing for their safety, fired one round at the suspect. As the suspect started to flee westbound down an alley, he turned and again raised his weapon at the deputies. At that time, Deputy Castro, fearing for his life, fired one round at the suspect. Neither the suspects nor the deputies suffered injury as a result of the shooting. Five suspects were arrested during the ensuing containment.

INVOLVED PERSONNEL

Deputy Mario Castro #[redacted]
Deputy Manuel Garza #[redacted]

BACKGROUND OF SUSPECTS

Jose Ramon Lerma Booking #5876307 MH/06-25-80
Suspect Lerma is a member of the "Marianna Maravilla" gang. [redacted].

[redacted] MH/[redacted]
Subject [redacted] is a member of the "Juarez Maravilla" gang. [redacted].

[redacted] MH/[redacted]
Subject [redacted] is a member of the "Juarez Maravilla" gang. [redacted].

[redacted] MH/[redacted]
Subject [redacted] is a member of the "Fraser Maravilla" gang. [redacted]

[redacted] MH/[redacted]
Subject [redacted] is a member of the "Marianna Maravilla" gang. [redacted]

> **IAB NOTE:** [redacted] MH/[redacted]) was also arrested within the containment. He was released 849(B)(1) pending further investigation. At the time of this report, there is still one outstanding suspect.

SUMMARY

On November 27, 1998, at approximately 2010 hours, a 1985, grey Chevrolet Celebrity (CA [redacted]) was carjacked at the intersection of Eastern Avenue and Triggs Street in East Los Angeles. Deputies VanLeeuwen and Ladjevic, ELA Unit 22, were dispatched at 2022 hours to handle the call. The victim of the carjacking stated her vehicle was taken by three male Hispanics, who implied they had a weapon. As they sped away in her vehicle, a "chase vehicle" containing three more male Hispanics followed. A crime broadcast was initiated at 2030 hours by Deputy VanLeeuwen.

Approximately five minutes after the broadcast, Deputies Garza and Castro, ELA Unit 21, announced they were Code 9 on the stolen vehicle and requested back-up, including Aero Bureau. They followed the vehicle for about 90 seconds. When the suspects attempted to elude the following deputies by failing to stop for traffic control devices, a pursuit was initiated. At the time the pursuit was begun, one back-up unit had arrived.

The pursuit followed a circuitous route through the East Los Angeles area. At one point, the driver of the suspect vehicle, Suspect Lerma, threw a handgun from the car. This weapon was recovered by Deputies VanLeeuwen and Ladjevic. The pursuit terminated at southbound Woods Avenue at Telegraph Road. That intersection is closed and barricaded. When the vehicle came to a stop, suspects exited all four doors of the stolen car. Deputies Garza and Castro stopped their vehicle approximately 15 feet to the rear, and offset to the left, of the suspect vehicle. Suspect Lerma got

out of the right, rear passenger door and pointed a dark, semi-automatic handgun in the direction of the deputies who were exiting their car.

Deputy Garza, the bookman, yelled "Gun, gun" to alert his partner to the danger. Then, believing he may be shot at, and fearing for his life, Deputy Garza fired one round at Suspect Lerma. The round missed the suspect and embedded itself in the trunk of the suspect vehicle. Deputy Garza had just gotten out of the patrol car, and fired the round while adjacent to the car's passenger door.

Suspect Lerma fled westbound down the east/west alley north of Telegraph Road with two other suspects. As Deputy Castro reached the front of the patrol car, intending to keep a visual on the fleeing suspects, Suspect Lerma stopped, and turned in the deputies' direction. He again raised what Deputy Castro believed to be a dark handgun. Fearing for the safety of both himself and his partner, Deputy Castro fired one round toward Suspect Lerma, missing him. All three suspects ran westbound down the alley.

> **IAB NOTE:** One expended 9MM casing was recovered along the west curbline by the right, front fender of the patrol vehicle. A second casing was recovered on the east side of Woods Avenue, forward of the patrol vehicle.

Deputy Birtness #[redacted] ELA Unit 20N2, was the second unit in the pursuit and arrived in time to hear Deputy Garza yell "gun" and see Deputy Castro fire one round at the suspects running down the alley. He quickly took a position at the mouth of the alley, and then kept a visual on the suspects as they ran. He stated he also saw a handgun in Suspect Lerma's right hand. Additionally, when the suspect jumped over a fence, he heard the sound of metal on metal.

A containment was quickly established utilizing the units in the pursuit and those responding to the request for assistance. The one suspect who remained in the vehicle was quickly taken into custody as were three other suspects who fled the scene. A fourth suspect was located with the assistance of Aero Bureau Unit 22 and the K-9 teams on the scene. A sixth male Hispanic, matching a suspect description, was also taken into custody, but was released when the following investigation indicated he was not involved.

The victim and a witness of the original carjacking positively identified the suspects involved. All five suspects were charged with 215 PC. No weapon has yet been recovered from the area of the containment. Detective Rivera, ELA OSS, believes they will learn the identity of the sixth suspect.

DEPUTIES' STATEMENTS

Deputy Manuel Garza [redacted]
East Los Angeles Station
Patrol Division/F.O.R. I

> Deputy Garza was interviewed, on tape, on November 28, 1998 at 0145 hours. The interview was conducted at East Los Angeles Station by Sergeant Ruth Nelson and Sergeant Donnie Mauldin of the Internal Affairs Bureau. Also present was Lt. Willa Glover of Internal Affairs, and Sgt. Edison Cook from the Training Bureau. Prior to going on tape, Deputy Garza was given an Admonition for Subjects form. It was explained to Deputy Garza that he was not a subject of any investigation and the interview was related to a review of the shooting. However, as he was going to be asked questions in regard to both the details of the shooting and the tactics used, he would be afforded all the rights of a subject. Deputy Garza stated he understood that. He signed the form, and agreed to speak to us without a representative present.

Deputy Garza told us he was assigned to work ELA PM Unit 21, and was the bookman that evening. At about 2030 hours, they located a vehicle that had been involved in a carjacking. The car contained six, male Hispanics - two in the front seat, four in the rear - and was about one mile from the site of the crime when they first sighted it. They were Code 9 on the vehicle for a short time, and then went in pursuit. During the pursuit, the driver of the suspect vehicle threw a gun from the car. When the pursuit terminated on southbound Woods Avenue, at the barricades to Telegraph Road, all four doors of the car opened and the occupants began to exit the vehicle. A passenger seated in the right, rear passenger seat, exited the vehicle holding a handgun. When that suspect began to raise the gun in the direction of the deputies, Deputy Garza shouted "Gun!" to alert his partner to the danger, then - fearing for his life - fired one round at the suspect. Deputy Garza stated he was standing next to the passenger door of the patrol vehicle when he fired. Three of the suspects, including the one known to be armed - ran westbound down an adjacent alley. However, one suspect remained in the car and Deputy Garza now turned his attention to him. At that time, he heard what he believed to be two shots. Out of his peripheral vision, he saw his partner, Deputy Castro, in a crouched position to his left. Deputy Birtness ran past him on his right.

Several other units arrived at that time and Deputy Garza quickly began setting up a containment. He noted that he had difficulty broadcasting at first, as several arriving units had left their sirens on as the deputies got out of their cars. To be heard on dispatch, Deputy Garza had to go to those vehicles and turn off the sirens. Four suspects were quickly arrested, as well as the suspect who remained in the vehicle.

Deputy Castro said he was aware of the background when he fired his weapon. There was another vehicle parked at the curb, in front of the suspect vehicle. No citizens were in the vicinity, and he was unaware of anyone else nearby who could have been a witness. When asked if he considered using the shotgun, Deputy Castro said there was not time to retrieve it prior to the shooting.

Deputy Castro was wearing his Class A uniform with all required equipment. His baton was not on his person when he exited the vehicle, but was readily available.

The interview was concluded at 0152 hours.

Deputy Mario Castro #[redacted]
East Los Angeles Station
Patrol Division/F.O.R. I

> Deputy Castro was interviewed, on tape, on November 28, 1998 at 0157 hours. The interview was conducted at East Los Angeles Station by Sergeants Ruth Nelson and Donnie Mauldin of the Internal Affairs Bureau. Also present were Lieutenant Willa Glover of Internal Affairs, and Sergeant Edison Cook of the Training Bureau. Prior to going on tape, Deputy Castro was given a copy of the Admonition for Subjects form. He was advised that he was not the subject of any investigation, but that he was going to be asked questions related to the shooting and the tactics used. Therefore, he would be afforded all the rights of a subject. Deputy Castro stated he understood that, and agreed to talk to us without a representative present.

Deputy Castro was the driver for ELA PM Unit 21. He stated they copied the broadcast regarding the 215 vehicle and saw the vehicle a short time later. They followed the car, confirming via the license plate that it was the carjacked vehicle. They were Code 9 for a short time - following as the driver of the suspect vehicle drove in circles in the area. When they had backup, they went in pursuit after the suspect driver failed to stop for traffic control devices. The driver of the car threw a handgun during the pursuit.

When the vehicle stopped on southbound Woods Avenue, just north of Telegraph Road, all the doors flew open and suspects began jumping out and running. As he was putting the patrol car in "Park" and exiting the driver's door, Deputy Castro heard his partner yell "gun." Deputy Castro was drawing his weapon when he heard one shot fired. He was aware that one or more suspects stayed in the car, one ran toward Telegraph Road, and several were running down the alley.

Deputy Castro moved to the front of the patrol car, and stepped "wide" (meaning to the left) so he could maintain a visual on the suspects running westbound in the alley. As he did so, one turned back toward him, holding a handgun. Believing the suspect was about to fire at him, and fearing for

his life, Deputy Castro fired one round in the direction of the suspect. At that time, Deputy Birtness entered his field of vision, and Deputy Castro held his fire.

Deputy Garza then told him that he would "get the car" and Deputy Castro turned his attention to the driver of the suspect vehicle, who had fled south toward Telegraph Road. That suspect ran right into an assisting unit and was apprehended.

Deputy Castro said he was not sure who had fired the first round - whether it was his partner or the suspect. When he fired his round, he said his sight picture was three suspects (about 20' away), then an empty alley. The alley was bounded by high walls to commercial lots on the south, and fences to homes on the north. Deputy Castro said the suspect vehicle was offset to the right of the patrol car. He moved to his left and away from the patrol car as it afforded him a view of both the suspect who remained in the car, as well as allowing him to monitor the actions of the suspects running down the alley. He did not want them doubling back and coming up behind him. He also did not want to remain inside the patrol car, as it becomes a target for gunfire. Initially he considered using a parked van as cover, put soon realized it was too far away. Deputy Castro also said he did not consider using the shotgun because everything happened too fast.

Deputy Castro was attired in a Class A uniform. He had all required equipment. His baton was readily available in the patrol car.

The interview concluded at 0212 hours.

> **IAB NOTE:** Both Deputy Garza and Deputy Castro emptied their duty weapons in the presence of Sergeants Ruth Nelson and Donnie Mauldin of Internal Affairs. The deputies had stated they carried their Berettas loaded with 15 rounds in the magazine and one in the chamber. Following the shooting, each weapon contained 15 rounds (14 in the magazine and one in the chamber) of authorized duty ammunition. The weapons were taken to Scientific Services by Sergeant Mauldin for test firing, and then returned to the deputies.

WITNESS INTERVIEWS

Deputy D. Birtness #[redacted] ELA Unit 20N2, was the second car involved in the pursuit of the suspect vehicle. As he was exiting his vehicle, he heard Deputy Garza yell "gun" and heard a single shot. Almost immediately, Deputy Castro move to the front of the patrol car and fired one round in a westward direction down the alley. For additional details of Deputy Birtness' actions and observations, see the supplemental report he authored under this file number.

There were no citizen witnesses to the shooting. Sergeant Nelson of Internal Affairs interviewed the following residents, on tape.

[redacted]

Ms.[redacted] said a number of people were in the front yard of that address having a party. She and several others saw a car go by, pursued by several patrol vehicles. When they heard shots everyone ran inside the building. No one saw anything. Ms.[redacted] estimated eight shots were fired.

[redacted]

Mr.[redacted] said he was inside his house when he heard two shots fired. He did not see anything.

SUSPECT'S STATEMENTS

> **IAB NOTE:** Due to their established rapport with the suspects (all gang members), OSS Detectives Rivera and Ramirez interviewed the suspects alone. The interviews were tape recorded and copies of the recordings will be retained at Internal Affairs. The interviews are synopsized below. For additional details see the supplemental report authored by Detective Rivera..

Suspect Lerma admitted to being in the suspect vehicle, seated in the rear of the vehicle next to Subject [redacted]. He jumped out of the car at the end of the pursuit, then heard two shots. Although he had no sign of any injury, Suspect Lerma stated he felt what he believed was a bullet fragment strike his right forearm. He denied having a gun, or pointing anything at the deputies. Instead, he said that as he ran, he reached into his pants pocket to keep a black "beanie" from falling out.

Subject [redacted] admitted he drove the hijacked vehicle. All of the suspects were "Maravilla" gang members, but were from three different sects of that gang. Suspect [redacted] stated that prior to the carjacking, they were all in another stolen vehicle, a 2-door car. They had driven around a rival gang's area looking for someone to shoot. When they saw a lone female in the four-door Chevy, they decided to take that vehicle. The 2-door car was abandoned. (This vehicle, a Mustang, was also recovered by ELA deputies a short distance from the site of the carjacking.)

Subject [redacted] stated he was associated with the "Marianna Maravillas" and wanted to be "jumped into" that gang. The events of the evening were part of his "initiation. He admitted to being in the stolen 2-door vehicle and present when the Chevy was carjacked. Subject [redacted] said they had a gun in the car and were looking for rival gang members when the deputies found them.

Subject [redacted] admitted he and some of his friends stole a 2-door vehicle and were driving around a rival gang's area. When that car had some mechanical problems, they decided to carjack the 4-door Chevy. He denied there were any guns in the car, but said they threw out a couple of stolen stereos.

Subject [redacted] admitted to their stealing the 2-door vehicle and carjacking the Chevy when the 2-door car ran poorly. He denied there was a gun involved, but said that, "Even we did have a gun, let's say, we wouldn't use it."

> **IAB NOTE:** Detective Rivera noted in his report - and emphasized this when speaking with this investigator - that while all the suspects were from the "Maravilla" gang, they belonged to three different sects. Based on his experience working with gang members, he found it extremely unlikely that gang members from three different cliques, looking for rival gang members, would be armed with only one weapon.

CHARGES FILED

The following charges were filed against the suspects arrested the night of the shooting:

Suspect Jose Lerma #5876307
215 PC - CARJACKING
10851 (A) CVC - DRIVING WITHOUT OWNER'S CONSENT (2 counts)
245(D)(2) PC - ADW ON A PEACE OFFICER (2 counts)
417.8 PC - BRANDISHING A FIREARM AT A P.O.

Subject [redacted]
215 PC - CARJACKING
2800.2 CVC - EVADING
12101 (A) and (B) PC - POSSESSION OF A FIREARM
10851 (A) CVC - DRIVING WITHOUT OWNER'S CONSENT

Subject [redacted]
Subject [redacted]
Subject [redacted]
The three above subjects were all charged with:
215 PC - CARJACKING
10851 (A) CVC - DRIVING WITHOUT OWNER'S CONSENT